

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES D. STEVENS, Jr., Trustee, Stevens
Family Revocable Trust, and CHARLES D.
STEVENS, Jr.

Plaintiff,

v.

CHARLENE BENNETT, STEVE BENNETT,
LORENE STEVENS, and REMEMBER
WHEN PHOTOS

Defendants.

Case No. C10-5574 RBL

ORDER GRANTING PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS AND DIRECTING
PLAINTIFF TO FILE AMENDED
COMPLAINT

This matter comes before the Court on Plaintiff's Application to Proceed in Forma Pauperis (IFP).
The Court GRANTS Plaintiff's IFP.

Plaintiff's causes of actions are unclear and he fails to plead all of the necessary elements. It appears that the first cause of action is common law theft, so Plaintiff must state it as such. The elements of theft are wrongfully obtaining the property of another with the intent to deprive that person of the property. *See, e.g.,* RCW 9A.56.020. To proceed under this cause of action, Plaintiff must plead that Defendants intended to deprive Plaintiff of the property. The second cause of action appears to be identity theft based on RCW 9.35.020, so Plaintiff must state it as such. The elements of the third cause of action for slander are falsity, unprivileged communication, fault, and damages. *Mark v. Seattle Times*, 96 Wash.2d 473, 486, 635 P.2d 1081 (1981). Plaintiff fails to plead what damages he sustained from the alleged slander.

1 This Court will not order service until Plaintiff submits an amended complaint clearly stating the causes
2 of action and pleading all of the necessary elements.

3 Therefore, it is hereby **ORDERED** that Plaintiff shall provide this Court with an amended complaint
4 by November 5, 2010.

5 Dated this 21st day of October, 2010.

6 
7 RONALD B. LEIGHTON
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28